

## Message Text

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PAGE 01 STATE 165031

46

ORIGIN ARA-10

INFO OCT-01 ISO-00 OFA-01 L-03 CG-00 DOTE-00 COME-00 OES-03

CIAE-00 INR-07 NSAE-00 INT-05 DODE-00 PM-03 H-02

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 IO-10 DLOS-04

TRSE-00 /079 R

DRAFTED BY ARA/CAR:GPALAZZOLO:KK:JC

APPROVED BY ARA:HARYAN

OES/OFA:BHALLMAN(DRAFT)

L/OES: MWEST (DRAFT)

NOAA:BEASLEY (DRAFT)

ARA/PLC:JMARTIN (DRAFT)

COGARD WASHINGTON:BDIXON (DRAFT)

OES/OFA:WSULLIVAN (DRAFT)

L/OES:TLEITZELL(DRAFT)

ARA/CAR:JBURKE

----- 049241

P 141756Z JUL 75

FM SECSTATE WASHDC

TO AMEMBASSY NASSAU PRIORITY

C O N F I D E N T I A L STATE 165031

E.O. 11652: GDS

TAGS: EFIS, BF

SUBJECT: SPINY LOBSTER NEGOTIATIONS

REF: A. NASSAU 1085; B. NASSAU 1095

FOR THE AMBASSADOR

1. DEPARTMENT APPRECIATES YOUR EFFORT IN OBTAINING  
APPARENT POSITIVE RESPONSE ON THE PART OF PM (REF A)  
TO THE SPINY LOBSTER PROBLEM AND COMMENDS YOUR THOROUGH  
AND THOUGHTFUL ANALYSIS OF THE ISSUES FOR THE PERUSAL OF  
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PAGE 02 STATE 165031

THE WASHINGTON COMMUNITY. SOME OF THE QUESTIONS RAISED

IN REF B CAN BE ANSWERED FROM INFORMATION ALREADY ON  
HAND IN THE NATIONAL MARINE FISHERIES SERVICE (NMFS).  
OTHER PERTINENT INFORMATION IS PRESENTLY BEING  
DEVELOPED BY NMFS AND OTHER AGENCIES.

2. WITH RESPECT TO THE GENERAL QUESTION OF HOW WE  
RESPOND TO POSSIBLE BAHAMIAN INVITATION TO START  
NEGOTIATIONS ON SPINY LOBSTER WITHIN A WEEK OR SO WITH  
THE AIM OF REACHING DEFINITIVE AGREEMENT BEFORE AUGUST 1,  
WE ARE FACED WITH A REAL PROBLEM. IT IS TRUE THAT THIS  
IS EXACTLY WHAT WE HAVE BEEN HOPING TO ATTAIN FOR SOME

TIME NOW AND THAT WE SHOULD BE IN A POSITION TO

RESPOND PROMPTLY UPON ANY KIND OF NOTICE FROM THE GCOB.  
HOWEVER, THE PEOPLE (REPRESENTATIVES FROM L/OES, OES/OFA,  
NOAA) WHO WOULD BE NEEDED FOR THESE NEGOTIATIONS ARE  
HEAVILY INVOLVED IN FISHERIES TALKS WITH THE RUSSIANS  
HERE AND WILL NOT BE READY TO LEAVE FOR NASSAU UNTIL  
FIRST WEEK IN AUGUST. SIMILARLY, THE NECESSARY INDUSTRY  
AND CONGRESSIONAL CONSULTATIONS CANNOT BE INITIATED BEFORE  
THE WEEK OF JULY 21. SOME OF THE ISSUES RAISED BY GCOB  
DURING PAST FEW WEEKS AS REPORTED REFTELS ARE ENTIRELY  
NEW AND MUST BE THOROUGHLY EXAMINED BY USG AND EXPLORED  
WITH INDUSTRY BEFORE WE CAN OBTAIN SPECIFIC NEGOTIATING  
INSTRUCTIONS OR CAN BE PREPARED TO MAKE AUTHORITATIVE  
COMMITMENTS TO GCOB.

3. DEPARTMENT HAS, NEVERTHELESS, INITIATED ACTION TO  
OBTAIN CIRCULAR 175 NEGOTIATING AUTHORITY WITH VIEW  
TOWARDS ACHIEVING BILATERAL AGREEMENT WHICH WOULD  
SECURE U.S. ACCESS TO RESOURCES UNDER CONDITIONS WHICH  
MAY INCLUDE U.S. PARTICIPATION IN ENFORCEMENT, MUTUAL  
SCIENTIFIC EFFORT INCLUDING APPROPRIATE CONSERVATION  
MEASURES AND RECIPROCITY. FYI. IT APPEARS NOW THAT  
FINAL AGREEMENT WILL HAVE TO BE A TREATY, AND THAT  
SPECIFIC LEGISLATION WILL HAVE TO BE OBTAINED TO IMPLEMENT  
CERTAIN PROVISIONS OF TREATY INCLUDING ENFORCEMENT  
PROVISIONS. END FYI.

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PAGE 03 STATE 165031

4. BECAUSE OF USG INTEREST IN AND URGENCY TO SOLVE SPINY  
LOBSTER PROBLEM AND NOTWITHSTANDING SITUATION DESCRIBED  
ABOVE PARA 2, WE SUGGEST THAT IF PM PROPOSES TALKS  
BETWEEN NOW AND THE END OF JULY, YOU SHOULD ACCEPT PRO-  
POSAL THAT INITIAL EXPLORATORY EXCHANGE TAKE PLACE. AS  
SOON AS WE HAVE INFORMATION REGARDING A SPECIFIC DATE,  
YOUR STAFF WILL BE JOINED BY ONE OR TWO EXPERTS TO ASSIST  
IN THIS FIRST EXCHANGE. WE WOULD EXPECT AT THIS SESSION

TO ELICIT FROM GCOB A STATEMENT OF PRINCIPLES APPROVED BY CABINET. IN ALL LIKELIHOOD THESE PRINCIPLES WILL RAISE COMPLICATED QUESTIONS WHICH CANNOT BE IMMEDIATELY ANSWERED AND WHICH WILL REQUIRE CAREFUL STUDY BEFORE COMMITMENTS CAN BE MADE. AT THAT POINT, BECAUSE WE ARE NOT IN A POSITION TO CONDUCT FULL SCALE NEGOTIATIONS BEFORE AUGUST 4, YOU SHOULD PROPOSE AND SEEK GCOB AGREEMENT TO THE HOLDING OF FULL SCALE TALKS THE FIRST

WEEK IN AUGUST. ADDITIONALLY, YOU SHOULD SECURE A DEFACTO MORATORIUM PENDING THE WORKING OUT OF DETAILS. SHOULD GCOB REJECT MORATORIUM, PLEASE ADVISE IMMEDIATELY SO THAT COAST GUARD CAN TAKE ACTION TO COPE WITH

PROBLEMS WHICH MAY ARISE AFTER BEGINNING OF FISHING SEASON. FINALLY, YOU SHOULD PROPOSE AUGUST 5 (WE UNDERSTAND AUGUST 4 IS BAHAMIAN HOLIDAY) AS THE DATE TO BEGIN DEFINITIVE DETAILED NEGOTIATIONS.

5. WE WILL LOOK TO YOU TO HANDLE NEGOTIATION IN THE INITIAL PHASE, WITH AMBASSADOR THOMAS A CLINGAN, DEPUTY ASSISTANT SECRETARY FOR OCEANS AND FISHERIES AFFAIRS, AVAILABLE TO CONDUCT NEGOTIATION IN ENSUING PHASE BEGINNING AUGUST 5. OES/OFA HAS RESPONSIBILITY TO THE CONGRESS TO CONDUCT THIS TYPE OF BILATERAL TALKS WITH FOREIGN COUNTRIES, AS CONFIRMED BY NUMEROUS PRECEDENTS (USG-BRAZIL, US-JAPAN, US-USSR, US-POLAND, US-ROMANIA, ETC.). CLINGAN WAS ABLE TO DEVELOP CLOSE ACQUAINTANCE-SHIP WITH ADDERLEY AT GENEVA AND KNOWS OTHER GCOB OFFICIALS FROM HIS DAYS AT UNIVERSITY OF MIAMI. AT YOUR DISCRETION, YOU OR YOUR DESIGNATED REPRESENTATIVE WILL BE INCLUDED AS MEMBER OF U.S. DELEGATION. KISSINGER

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